IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.5266 OF 2006
IN WRIT PETITION NO.1609 OF 2001
(Shri Kautilya s/o Narottamdas Daga vs. State and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D.SINHA AND
R.C. CHAVAN, JJ.

DATED : AUGUST 24, 2007

Heard Shri Kulkarni, learned Counsel for the petitioner, Shri Deopujari, learned Assistant Government Pleader for the respondent nos. 1 to 4 and 6 to 8, and Shri Deshpande, learned Counsel for the respondent no.5.

Civil Application No. 5266/2006 is moved by the original petitioner in Writ Petition No. 1609/2001 for speaking to minutes in respect of judgment dated 6.7.2006.

Shri Kulkarni, learned Counsel for the petitioner, states that the above referred petition came to be disposed of by this Court vide judgment dated 6.7.2006 and the relevant observations are in paras (2) and (3) of the judgment, which read thus :

> "2) In the present writ petition, the petitioner seeks directions against respondent Nos. 1 to 3 to stop mining activities of respondent No.5 over the land admeasuring 13.24 acres in Khasra No.116 (New) and 406/1 (old) of Mouza Gondkhairy, P.H. No. 24, Taluka Kalmeshwar, District Nagpur. This Court vide order dated 29th August 2003 has directed the competent Authority to decide the application/representation of the petitioner dated 30.8.2002, which is submitted by the petitioner in this regard as well as application of respondent No.5 for renewal of the lease according to the relevant procedure and law applicable.
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> 3. Smt. Jog, learned A.G.P., on instructions of the Collector, makes statement that the said application/representation of the petitioner is decided on 30th June 2006. It is also submitted that if the order is not communicated, the same shall be communicated to the petitioner."

It is submitted by the learned

Counsel for the petitioner that the Collector till this date has not decided the representation of the petitioner dated 30.8.2002 and, therefore, present civil application is moved by the petitioner for necessary orders.

Shri Deopujari, learned Assistant Government Pleader, states that so far as aspect of renewal of mining lease of respondent no.5 is concerned, mining lease was renewed with effect from 1997 to 2002 vide order dated 23.6.1997. Similarly, vide another order dated 29.6.2006 the Collector has renewed the mining lease of respondent no.5 for a further period from 4.7.2002 to 3.7.2007. It is submitted that there is no extension/renewal granted in respect of mining lease to the respondent no.5 since application in this regard came to be rejected by the Collector.

Shri Deopujari, learned Assistant Government Pleader further states that while passing order of renewal of lease, representation of the petitioner, dated 30.8.2002 was considered. It is contended that since period of lease is already over,

cause of action, if any, does not survive.

In the backdrop of the above referred facts, it is evident that period for which mining lease was granted to the respondent no.5 is already over and, therefore, we see no reason to show indulgence in the present proceedings looking to the limited jurisdiction this Court exercises while considering the aspect of speaking to minutes. However, in view of statement made by the learned Assistant Government Pleader, it appears that representation of the petitioner dated 30.8.2002 was considered by the Collector at the time of passing the order of renewal of lease. We expect the Collector to communicate the decision taken on the representation of the petitioner dated 30.8.2002 to the petitioner. With these observations, the civil application is disposed of.

JUDGE JUDGE

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